

### REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of the Office Action dated August 26, 2003. Upon entry of this Amendment, claims 3-7 will remain pending in this application. New claims 8-14 are added and claims 1 and 2 are cancelled. The amendments to the claims and the newly added claims are supported by the specification and original claims. No new matter is introduced as a result of this Amendment. Payment to cover the cost associated with the additional independent claim is also submitted herewith.

\* \* \* \* \*

Claims 1-6 are rejected under 35 U.S.C. § 102(e) as purportedly anticipated by Eck et al. (U.S. Pat. No. 6,1976,863).

Claims 1-7 are also rejected under 35 U.S.C. § 103(a) as purportedly obvious based on Eck et al.

These two rejections are addressed together as similar issues apply to both. Moreover, Applicants also respectfully traverse both rejections.

Eck describes producing functionalized silica for use in cross-linking powders. Moreover, Eck produces the functionalized silica via a process that includes mixing the silica with water, isopropanol and glycidoxypolypropyltrichoxysilane or methacryloxypolypropyltrimethoxysilane. See Columns 9-10. In contrast, Applicants functionalized silica is produced without the use of isopropanol. Accordingly, the functionalized silica of Eck is made in a different manner than the present claimed functionalized silica.

Applicants functionalized silica can be used in surface coatings which show a better scratch resistance. This increased scratch resistance was unexpected and neither disclosed nor described by Eck. Applicants kindly direct the Examiner's attention to pages 6 and 7 of the present specification wherein the improved scratch resistance that results from using

Applicants' functionalized silica is shown. Eck neither teaches nor fairly suggests functionalized silica that have been prepared without using isopropanol. Accordingly, Eck neither teaches nor fairly suggests producing functionalized silica having the same scratch resistance qualities as that of Applicants' functionalized silica. Hence, Eck neither anticipates nor renders obvious the present claims.

In view of the above remarks, Applicants submit that both rejections are overcome. Hence, reconsideration and withdrawal of both rejections are respectfully requested.

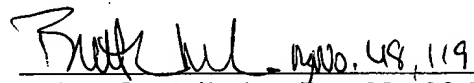
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Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 032301.225.

If an extension of time under 37 C.F.R. § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 032301.225.

Respectfully submitted,  
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RGW/BLN